

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**TERRY PENISTER,
ADC #092828**

PLAINTIFF

V.

CASE NO. 4:18-cv-514-BSM-BD

MARK CASHION, *et al.*

DEFENDANTS

ORDER

Plaintiff Terry Penister filed this lawsuit without the help of a lawyer and is proceeding *in forma pauperis*. (Docket entries #1, #2) Mr. Penister claims that Defendants violated his rights by failing to protect him from an attack by a fellow inmate. (#2) Specifically, he alleges that Defendant Thomas allowed an inmate to beat him with a pipe in retaliation for identifying the individuals responsible for bringing contraband tobacco into his unit. (#2) All the Defendants, except Defendant Thomas have been served.¹

Given the seriousness of Mr. Penister's claims and his inability to effectuate service for Defendant Thomas, appointment of counsel in this case is warranted. In conformity with Rule 83.7 of the Local Rules for the Eastern and Western Districts of Arkansas, James Winfield Wyatt, Montgomery, Adams & Wyatt, PLC, 308 East 8th Street, Little Rock, Arkansas 72202, 501-375-9816, is hereby appointed to represent Mr. Penister.

¹ Service was returned undeliverable as to Defendant Thomas at the ADC and at his last known address provided by the ADC. (#5, #13, #30) On June 10, 2019, the Court ordered Mr. Penister to ascertain a valid service address for Defendant Thomas by August 10, 2019. (#31) Mr. Penister provided an address for Defendant Thomas and the Court ordered service on Mr. Thomas at the address provided; however, service was returned as "unclaimed." (#33, #34, #35) It has been over a year since this lawsuit was filed, and Mr. Peniser has been unable to effectuate service on Defendant Thomas.

The Clerk of Court is directed to send Mr. Wyatt a copy of this Order and Local Rule 83.7. Counsel may access the file from CM/ECF. If counsel is unable to obtain a copy of the file from CM/ECF, he should contact court staff at 501-604-5114, and a copy of the file, or any portion of the file, will be provided via compact disc free of charge. Under Local Rule 83.7, counsel must make written application to withdraw within 21 days of the date of this order, if there is cause to withdraw; otherwise, the appointment will be effective.

The Court will no longer accept *pro se* pleadings from Mr. Penister. Instead, all pleadings must be filed and signed by Mr. Penister's appointed counsel. *See* Local Rule 5.5(c)(1) ("Every pleading, motion or other paper, except a *pro se* motion to discharge an attorney, filed in behalf of a party represented by counsel shall be signed by at least one attorney of record").

IT IS SO ORDERED, this 25th day of September, 2019.


UNITED STATES MAGISTRATE JUDGE